

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOSEPH PAGAN,

Plaintiff,

-against-

C.I. LOBSTER CORP., JOSEPH MANDARINO,
RICHARD MANDARINO, and JOHN MANDARINO,

Defendants.

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Case No.: 1:20-cv-7349 (ALC) (SDA)

NOTICE OF MOTION

PLEASE TAKE NOTICE, that pursuant to Rule 72(a) of the Federal Rules of Civil Procedures (hereinafter “Rules” or “Rule”), the Memorandum of Law in Support, the Declaration of Emanuel Kataev, Esq. with its accompanying exhibits, and all the papers and pleadings in this case, Defendants will respectfully move this Court before the Hon. Andrew L. Carter, U.S.D.J., on a date and time to be determined by the Court, for an Order setting aside the Hon. Stewart D. Aaron, U.S.M.J.’s Opinion & Order, dated July 16, 2021, denying Defendants’ motion to disqualify The Ottinger Firm, P.C. (the “Ottinger Firm”) from representing the Plaintiff or any opt-in plaintiffs in this case, together with other sanctions such as a monetary penalty, attorneys’ fees related to underlying motion, an Order finding that they are not to collect any fees for the work performed in soliciting any opt-in plaintiffs together with any work that is fruit of the poisonous tree, as well as the issuance of a corrective notice to all employees of C.I. Lobster Corp. that the Ottinger Firm improperly contacted them, that it is not permissible for the Ottinger Firm to contact them, and that any attempts to contact them should be reported directly to the Court, as well as for such other and further relief as this honorable Court deems just, equitable, and proper.

Dated: Lake Success, New York
August 11, 2021

MILMAN LABUDA LAW GROUP PLLC

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